

HOUSE BILL 1103

Unofficial Copy  
F2

2004 Regular Session  
4r2661  
CF SB 112

---

By: **Delegates Madaleno, Barkley, Bronrott, Goldwater, Gutierrez, Hurson,  
and Lee**

Introduced and read first time: February 13, 2004

Assigned to: Appropriations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Access to Quality in Higher Education Act of 2004**

3 FOR the purpose of requiring the Governor to include in the annual budget  
4 submission for a certain fiscal year a certain amount of general fund State  
5 support for public senior higher education institutions; requiring the Governor  
6 to include in the annual budget submission for certain fiscal years for public  
7 senior higher education institutions an increase in the amount of general fund  
8 State support of a certain percentage per certain full-time equivalent resident  
9 student; requiring certain appropriations in a certain fiscal year be made to  
10 certain public senior higher education institutions under certain circumstances;  
11 providing that certain funding may not supplant certain funding to certain  
12 public senior higher education institutions; requiring the Board of Regents of  
13 the University System of Maryland to submit a biannual report beginning on a  
14 certain date regarding certain policies and procedures; prohibiting certain  
15 governing boards of public senior higher education institutions from  
16 implementing a tuition rate for a certain academic year greater than a certain  
17 amount; limiting, to no more than a certain percent for certain academic years,  
18 the amount of the annual increase in tuition that may be charged each academic  
19 year to a resident undergraduate student at a public senior higher education  
20 institution in Maryland; providing that a certain tuition limitation only applies  
21 if the general fund appropriation for public senior higher education institutions  
22 in a certain fiscal year has increased a certain amount over the preceding fiscal  
23 year; declaring the intent of the General Assembly; defining certain terms; and  
24 generally relating to State support for and tuition at public senior higher  
25 education institutions in Maryland.

26 BY repealing and reenacting, with amendments,  
27 Article - Education  
28 Section 10-101  
29 Annotated Code of Maryland  
30 (2001 Replacement Volume and 2003 Supplement)

31 BY adding to  
32 Article - Education

1 Section 11-105(i)(6), (7), and (8), 12-114, and 15-106.3  
2 Annotated Code of Maryland  
3 (2001 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Education**

7 10-101.

8 (a) In this division the following words have the meanings indicated.

9 (b) "Commission" means the Maryland Higher Education Commission.

10 (c) "Charter" means the Maryland Charter for Higher Education.

11 (d) "Governing board" means:

12 (1) The Board of Regents of the University System of Maryland;

13 (2) The Board of Regents of Morgan State University;

14 (3) The Board of Trustees of St. Mary's College of Maryland; and

15 (4) The Board of Trustees of Baltimore City Community College.

16 (e) "Governing body" means:

17 (1) A governing board;

18 (2) A board of trustees of a community college;

19 (3) The governing entity of nonpublic institutions of higher education; or

20 (4) The governing entity of a regional higher education center.

21 (f) (1) "Institution of postsecondary education" means a school or other  
22 institution that offers an educational program in the State for individuals who are at  
23 least 16 years old and who have graduated from or left elementary or secondary  
24 school.

25 (2) "Institution of postsecondary education" does not include:

26 (i) Any adult education, evening high school, or high school  
27 equivalence program conducted by a public school system of the State; or

28 (ii) Any apprenticeship or on-the-job training program subject to  
29 approval by the Apprenticeship and Training Council.

1 (g) "Institution of higher education" means an institution of postsecondary  
2 education that generally limits enrollment to graduates of secondary schools, and  
3 awards degrees at either the associate, baccalaureate, or graduate level.

4 (h) "Private career school" means a privately owned and privately operated  
5 institution of postsecondary education other than an institution of higher education  
6 that furnishes or offers to furnish programs, whether or not requiring a payment of  
7 tuition or fee, for the purpose of training, retraining, or upgrading individuals for  
8 gainful employment as skilled or semiskilled workers or technicians in recognized  
9 occupations or in new and emerging occupations.

10 (i) "Program" or "educational program" means an organized course of study  
11 that leads to the award of a certificate, diploma, or degree.

12 (j) "Public senior higher education institution" means:

13 (1) The constituent institutions of the University System of Maryland;

14 (2) Morgan State University; and

15 (3) St. Mary's College of Maryland.

16 (K) "RESIDENT STUDENT" MEANS A STUDENT CLASSIFIED AS "IN STATE" FOR  
17 THE PURPOSES OF TUITION PURSUANT TO THE POLICY OR REGULATION OF THE  
18 GOVERNING BOARD OF THE PUBLIC SENIOR HIGHER EDUCATION INSTITUTION IN  
19 WHICH THE STUDENT IS ENROLLED.

20 [(k)] (L) "Regional higher education center" means a higher education facility  
21 in the State that:

22 (1) Includes participation by two or more institutions of higher education  
23 in the State;

24 (2) Consists of an array of program offerings;

25 (3) Offers multiple degree levels; and

26 (4) Is either affiliated with an institution of higher education or is  
27 established by statute.

28 [(l)] (M) "Secretary" means the Secretary of Higher Education.

29 [(m)] (N) "State Plan for Higher Education" means the plan for postsecondary  
30 education and research required to be developed by the Maryland Higher Education  
31 Commission under § 11-105(b) of this article.

32 11-105.

33 (i) (6) (I) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET  
34 SUBMISSION FOR FISCAL YEAR 2006 AN AMOUNT OF GENERAL FUND STATE SUPPORT  
35 EQUAL TO AT LEAST THE FOLLOWING AMOUNTS:

## HOUSE BILL 1103

1	1.	UNIVERSITY OF MARYLAND SYSTEM .....	\$863,963,359
2	2.	MORGAN STATE UNIVERSITY .....	53,039,757
3	3.	ST. MARY'S COLLEGE OF MARYLAND .....	15,479,552

4 (II) BEGINNING IN FISCAL YEAR 2007 AND EACH FISCAL YEAR  
 5 THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET  
 6 SUBMISSION FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AN INCREASE  
 7 IN THE AMOUNT OF GENERAL FUND SUPPORT OVER THE PREVIOUS FISCAL YEAR OF  
 8 AT LEAST 5 PERCENT PER FULL-TIME EQUIVALENT RESIDENT STUDENT BASED ON  
 9 THE REQUEST YEAR PROJECTED ENROLLMENTS.

10 (7) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, IN  
 11 ADDITION TO THE SUMS APPROPRIATED IN THE BUDGET BILL FOR FISCAL YEAR 2005,  
 12 THE FOLLOWING APPROPRIATIONS SHALL BE MADE:

- |    |    |  |
|----|----|--|
| 13 | 1. | \$76,615,198 TO THE UNIVERSITY SYSTEM OF MARYLAND; |
| 14 | 2. | \$2,326,254 TO MORGAN STATE UNIVERSITY; AND        |
| 15 | 3. | \$1,059,560 TO ST. MARY'S COLLEGE OF MARYLAND.     |

16 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL TAKE EFFECT  
 17 UPON:

18 1. ENACTMENT OF A SUPPLEMENTARY APPROPRIATION  
 19 BILL THAT INCLUDES A FUNDING SOURCE; OR

20 2. THE GOVERNOR INCLUDING FUNDS IN A SUPPLEMENTAL  
 21 BUDGET TO COVER THE APPROPRIATION.

22 (8) FUNDING DISTRIBUTED UNDER THIS SUBSECTION MAY NOT BE  
 23 USED TO SUPPLANT FUNDING OTHERWISE DISTRIBUTED IN ACCORDANCE WITH THE  
 24 STATE'S PARTNERSHIP AGREEMENT WITH THE UNITED STATES DEPARTMENT OF  
 25 EDUCATION, OFFICE OF CIVIL RIGHTS TO:

26 (I) BOWIE STATE UNIVERSITY;

27 (II) COPPIN STATE COLLEGE;

28 (III) MORGAN STATE UNIVERSITY; OR

29 (IV) UNIVERSITY OF MARYLAND, EASTERN SHORE.

30 12-114.

31 (A) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE UNIVERSITY  
 32 SYSTEM OF MARYLAND IMPROVE ITS EFFECTIVENESS AND EFFICIENCY AND  
 33 REDUCE ITS COST STRUCTURE BY BECOMING THE NATIONAL LEADER IN  
 34 TRANSFORMING THE BUSINESS MODEL OF PUBLIC HIGHER EDUCATION TO PROVIDE

1 WORLD CLASS EDUCATION, RESEARCH, AND PUBLIC SERVICE AT BELOW AVERAGE  
2 COSTS.

3 (B) ON OR BEFORE NOVEMBER 1, 2005 AND ON NOVEMBER 1 EVERY SECOND  
4 YEAR THEREAFTER, THE BOARD OF REGENTS SHALL SUBMIT, IN ACCORDANCE WITH  
5 § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT ON THE POLICIES AND  
6 PROCEDURES IT HAS IMPLEMENTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
7 SECTION TO THE HOUSE APPROPRIATIONS AND WAYS AND MEANS COMMITTEES AND  
8 THE SENATE BUDGET AND TAXATION AND EDUCATION, HEALTH, AND  
9 ENVIRONMENTAL AFFAIRS COMMITTEES.

10 15-106.3.

11 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
12 INDICATED.

13 (2) "ACADEMIC YEAR" MEANS THE PERIOD COMMENCING WITH THE  
14 FALL SEMESTER AND CONTINUING THROUGH THE IMMEDIATELY FOLLOWING  
15 SUMMER SESSION AT A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION.

16 (3) "GOVERNING BOARD" HAS THE MEANING STATED IN § 10-101(D)(1),  
17 (2), AND (3) OF THIS ARTICLE.

18 (4) (I) "TUITION" MEANS THE CHARGES AND FEES APPROVED BY THE  
19 GOVERNING BOARD OF A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION WHICH  
20 ARE REQUIRED OF ALL UNDERGRADUATE RESIDENT STUDENTS BY THE  
21 INSTITUTION AS A CONDITION OF ENROLLMENT REGARDLESS OF THE STUDENT'S  
22 DEGREE PROGRAM, FIELD OF STUDY, OR SELECTED COURSES.

23 (II) "TUITION" DOES NOT INCLUDE:

24 1. FEES DEDICATED TO SUPPORT AUXILIARY ENTERPRISES  
25 AND OTHER SELF-FUNDED ACTIVITIES OF A PUBLIC SENIOR HIGHER EDUCATION  
26 INSTITUTION; OR

27 2. A FEE REQUIRED ONLY FOR ENROLLMENT IN A SPECIFIC  
28 DEGREE PROGRAM, FIELD OF STUDY, OR COURSE WHEN THAT FEE IS NOT REQUIRED  
29 OF UNDERGRADUATE RESIDENT STUDENTS AT THE PUBLIC SENIOR HIGHER  
30 EDUCATION INSTITUTION FOR ENROLLMENT IN OTHER DEGREE PROGRAMS, FIELDS  
31 OF STUDY, OR COURSES.

32 (B) FOR THE ACADEMIC YEAR BEGINNING IN THE FALL OF 2004, A GOVERNING  
33 BOARD MAY NOT APPROVE AND A PUBLIC SENIOR HIGHER EDUCATION INSTITUTION  
34 MAY NOT IMPLEMENT A TUITION GREATER THAN THE SUM OF:

35 (1) THE TUITION CHARGED IN THE FALL OF 2002; AND

36 (2) 80% OF THE INCREASE IN TUITION BETWEEN THE FALL OF 2002 AND  
37 THE FALL OF 2003.

1 (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR THE  
2 ACADEMIC YEAR BEGINNING IN THE FALL OF 2005 AND EACH ACADEMIC YEAR  
3 THROUGH THE FALL OF 2014, A GOVERNING BOARD MAY NOT APPROVE, AND A  
4 PUBLIC SENIOR HIGHER EDUCATION INSTITUTION MAY NOT IMPOSE, AN INCREASE  
5 IN THE TUITION CHARGED FOR AN ACADEMIC YEAR TO A RESIDENT  
6 UNDERGRADUATE STUDENT AT THE INSTITUTION THAT EXCEEDS 4 PERCENT OF  
7 THE AMOUNT CHARGED FOR TUITION AT THE INSTITUTION THE PRECEDING  
8 ACADEMIC YEAR.

9 (2) THE TUITION LIMITATION IN PARAGRAPH (1) OF THIS SUBSECTION  
10 ONLY APPLIES IF THE GENERAL FUND APPROPRIATION FOR PUBLIC SENIOR HIGHER  
11 EDUCATION INSTITUTIONS IN THE CURRENT FISCAL YEAR HAS INCREASED AT  
12 LEAST 5 PERCENT OVER THE APPROPRIATION FOR THE PRECEDING FISCAL YEAR  
13 PURSUANT TO § 11-105(I)(6) OF THIS ARTICLE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
15 General Assembly to move the sum of the State General Fund appropriation and  
16 tuition for University System Institutions, on a per student basis, to at least the  
17 average of their peer institutions as determined by the Maryland Higher Education  
18 Commission, in order to be consistent with Chapter 246 of the Acts of 1988, which  
19 formed the University System of Maryland, and with Chapter 515 of 1999, also  
20 known as the Larson Commission.

21 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the  
22 General Assembly that the State should set a goal of 90% of the funding guidelines to  
23 be continued beyond 2013 in order to maintain the level of investment needed for  
24 quality and to hold spending below the average of comparable universities to  
25 encourage efficiency.

26 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the  
27 General Assembly to continue to support Maryland's historically black institutions in  
28 accordance with the agreement reached between the State of Maryland and the  
29 United States Department of Education, Office of Civil Rights in December 2000.

30 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 July 1, 2004.